

NB:MEM
F. #2019R00156

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 26 2019 ★

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

- against -

PATRICK O'BRIEN,

Defendant.

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I N D I C T M E N T

Cr. No. **CR 19 098**
(T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(A)(iii), 841(b)(1)(B)(ii)(II),
841(b)(1)(B)(iii), 846, 853(a) and
853(p); T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(d)(1), 2 and 3551 et seq.;
T. 28, U.S.C., § 2461(c))

THE GRAND JURY CHARGES:

AZRACK, J.

LOCKE, M. J.

COUNT ONE

(Narcotics Trafficking Conspiracy)

1. In or about and between January 2012 and June 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant PATRICK O'BRIEN, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine base, a Schedule II controlled substance, and (b) a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine base and cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other coconspirators reasonably foreseeable to him, was (a) 280

grams or more of a substance containing cocaine base, and (b) 500 grams or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(iii) and 841(b)(1)(B)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Use of Firearms In Connection with a Drug Trafficking Crime)

2. In or about and between January 2012 and June 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant PATRICK O'BRIEN, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the crime charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 2 and 3551 et seq.)

COUNT THREE

(Cocaine Distribution)

3. On or about June 28, 2018, within the Eastern District of New York, the defendant PATRICK O'BRIEN, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 500 grams or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii)(II); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR
(Cocaine Base Distribution)

4. On or about June 28, 2018, within the Eastern District of New York, the defendant PATRICK O'BRIEN, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE, THREE AND FOUR

5. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One, Three and Four, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to one Mossberg Maverick Model 88 20-Gauge Shotgun, Serial Number MV66853V, seized on or about June 28, 2018 from the defendant's residence located in Mastic, New York.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property, which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

7. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924, including but not limited to one Mossberg Maverick Model 88 20-Gauge Shotgun, Serial Number MV66853V, seized on or about June 28, 2018 from the defendant's residence located in Mastic, New York.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property, which cannot be

divided without difficulty;

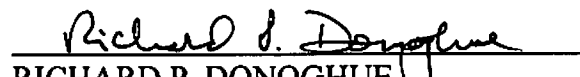
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL



FOREPERSON


RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F #: 2019R00156
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

PATRICK O'BRIEN,

Defendant.

INDICTMENT

T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(A)(iii), 841(b)(1)(B)(ii)(II),
841(b)(1)(B)(iii), 846, 853(a) and 853(p); T. 18, U.S.C., §§
924(c)(1)(A)(i), 924(d)(1), 2 and 3551 et seq.; T. 28, U.S.C., § 2461(c)

A true bill.

Foreperson

Filed in open court this _____ *day.*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Mark E. Misorek, Assistant U.S. Attorney (631) 715-7874